

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SUZANNE BOELTER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

HEARST COMMUNICATIONS, INC.,
Defendant.

No. 1:15-cv-03934-AT-JLC

JOSEPHINE JAMES EDWARDS, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

HEARST COMMUNICATIONS, INC.,
Defendant.

No. 1:15-cv-09279-AT-JLC

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS
CONSOLIDATED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that Defendant Hearst Communications, Inc., through its undersigned attorneys, will move this Court, before the Honorable Analisa Torres, United States District Court Judge, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), granting its motion to dismiss the consolidated class action complaint dated February 26, 2016 (No. 1:15-cv-03934- AT-JLC, ECF No. 67) in the above-captioned matters or, in the alternative, to stay these actions pending the Supreme Court's decision in *Spokeo, Inc. v. Robins*, No. 13-1339 (U.S.), and for such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Orders of this Court dated February 29, 2016 and March 2, 2016 (No. 1:15-cv-03934-AT-JLC, ECF Nos. 69 & 71), this motion to dismiss the consolidated complaint is based upon the following briefing and exhibits filed herewith on behalf of all parties in support of, and opposition to, the motion: as Exhibit 1, Defendant Hearst Communications, Inc.'s Memorandum of Law In Support of Its Motion to Dismiss, originally filed August 17, 2015, and the declaration and exhibit attached thereto; as Exhibit 2, Plaintiff's Opposition to Defendant Hearst Communications, Inc.'s Motion to Dismiss, originally filed September 14, 2015; as Exhibit 3, Defendant Hearst Communications, Inc.'s Reply Memorandum of Law in Further Support of Its Motion to Dismiss, originally filed October 5, 2015; as Exhibit 4, Intervenor Michigan Attorney General Bill Schuette's Brief in Support of the Michigan Video Rental Privacy Act, originally filed January 20, 2016, and as Exhibit 5, a chart intended to clarify how citations to original complaint paragraphs contained in documents Exhibits 1 through 4 *supra* correspond with new paragraphs in the operative consolidated class action complaint.

Dated: March 11, 2016

Respectfully submitted,

/s/ Jonathan R. Donnellan

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Communications, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of defendant Hearst Communications, Inc.'s Notice of Motion to Dismiss Consolidated Class Action Complaint, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on March 11, 2016.

/s/ Jonathan R. Donnellan
Jonathan R. Donnellan